

REMARKS

This Response is submitted in reply to the Final Office Action dated March 31, 2010. Claims 22 to 38 are pending in the present application. Claims 22, 26, 30, 37 and 38 have been amended. No new matter has been added by such amendments. Support for the amendments can be found in the Specification, for example, in at least paragraphs [0120] to [0142] and Figs. 7 to 13 of the present application. Claims 22, 26 and 30 are in independent form. A Request for Continued Examination is submitted with this Response. Accordingly, Applicant requests that the Examiner allow the application or provide an Office Action which identifies "... any claims which he or she judges, as presently recited, to be allowable and/or ... suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Request for Continued Examination and this Response.

The Office Action rejected Claims 30, 35 and 36 under 35 U.S.C. §101 and stated such claims are directed to non-statutory subject matter. Applicant respectfully disagrees. Nonetheless, to expedite prosecution, Applicant has amended certain of Claims 30, 35 and 36 to address the Office Action's rejection. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 101 be reconsidered and withdrawn.

The Office Action rejected Claims 22 to 30, 37 and 38 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0033848 to Sciammarella et al. ("Sciammarella I") in view of U.S. Patent Publication No. 2002/0054157 to Hayashi et al. ("Hayashi"). In view of the amendments made herein, Applicant respectfully disagrees with such rejections.

Sciammarella I discloses a system for managing data objects. The Abstract of Sciammarella I discloses:

[a] device for managing image and audio files displays thumbnails, which are representative of the files, on a screen in different arrangements, depending on the selected layout and order. When the user enters input to indicate that he or she wishes to browse through the thumbnails, the thumbnails move across the screen in sequence, following a path through a focus outline in the center of the screen. The path followed by the thumbnails depends on the selected layout.

Hayashi discloses an apparatus for processing information. The Abstract of Hayashi discloses:

[a]n apparatus and a method for processing information, and a program and a program storage medium are disclosed. A content processing routine 152-1 controls the display of a thumbnail and determines whether or not a predetermined time has passed with the thumbnail selected. If the predetermined time is found passed with the thumbnail selected, the content processing routine 152-1 controls the display of the information associated with the thumbnail to a predetermined position corresponding to the display position of the thumbnail.

Applicant submits that the display processing apparatus resulting from the combination of Sciammarella I and Hayashi does not render obvious a content card movement curve having a first shape and a second, different shape, wherein the shape of the content card movement curve is determined based on a location of a user-operable selection indicator. Page 4 of the Office Action stated that:

Sciammarella discloses a display processing apparatus comprising...each of said second plurality of control points are moved along with the movement of the user-operable selection indicator (the radius reduces in response to the selection indicator, thus changing the location of the control points on the X-Y plane, para. 0081, fig. 22). (emphasis added)

Applicant respectfully clarifies that, in Sciammarella I, the radius of the helix (which the Office Action appears to interpret as the content card movement curve of Claim 22) in the helix layout reduces as a result of successively scrolling through a series thumbnails (i.e., more than one thumbnail). Applicant submits that this reduction in the radius of the helix of Sciammarella I is not based on a position of the focus outline 24 (which the Office Action appears to interpret as the user-operable selection indicator of Claim 22), but is rather based on the number of successive thumbnails being scrolled through. For example, paragraph [0081] of Sciammarella I discloses that:

[i]n the case of the helix layout, when the user input indicates horizontal scroll, the helix spirals vertically in order to move the thumbnails 23 through the focus outline 24. The amount that the helix screwingly rotates depends on the number of thumbnails 23 scrolled. When more than a few thumbnails are scrolled in succession, then as shown in FIG. 17 the rotating helix is displayed in a contracted shape by reducing the radius of the helix and the inter-thumbnail distance, while the thumbnails 23 flow through the focus outline 24. When the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails 23 move is accelerated. At this time, the display of the thumbnails 23 is adjusted to match the browsing speed. For

example, the helix of the helix layout is displayed to contract with increase in browsing speed and expand with decrease in browsing speed. This visual change increases the user's awareness that the browsing speed has changed. The display of the circle layout is similarly contracted and expanded based on the duration and speed of browsing. (emphasis added)

Applicant submits that determining a shape of a content card movement curve based on a position of a user-operable selection indicator is patentably distinguished from: (i) reducing a radius of a helix based on a number of successive thumbnails being scrolled through (as Applicant submits that a number of successive thumbnails is not a position at all), and (ii) reducing or expanding a radius of a helix based on a change in thumbnail browsing speed (as Applicant submits that a thumbnail browsing speed is not a position at all).

Thus, unlike the display processing apparatus of amended independent Claim 22, the display processing apparatus resulting from the combination of Sciammarella I and Hayashi does not render obvious (without the benefit of improper hindsight reconstruction) at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to:...(d) select a first one of the content cards based on a first location of the user-operable selection indicator, the control point associated with the user-operable selection indicator having a first position based on the first location of the user-operable selection indicator, and the content card movement curve having the first shape based, at least in part, on the first position of the control point associated with the user-operable selection indicator...(h) in response to the user-operable selection indicator changing from the first location to a second, different location: (i) select a second, different one of the content cards based on the second location of the user-operable selection indicator; (ii) move at least one of the content cards from a first position along the content card movement curve to a second different position along the content card movement curve, (iii) determine a second, different position of the control point associated with the user-operable selection indicator based on the second location of the user-operable selection indicator; (iv) move the at least one control point associated with the user-operable selection indicator to the second, different position; and (v) change the shape of the content card movement curve from the first shape to the second, different shape based, at least in part, on the second position of the control point associated with the user-operable selection indicator.

For at least these reasons, it is respectfully submitted that amended independent Claim 22 is patentably distinguished over Sciammarella I and Hayashi and in condition for allowance. Dependent Claims 23 to 25 depend directly from amended independent Claim 22 and are also allowable for the reasons given with respect to amended independent Claim 22 and because of the additional features recited in these claims.

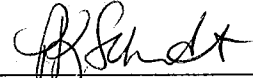
Amended independent Claims 26 and 30 each include certain similar elements to amended independent Claim 22. For reasons similar to those discussed above with respect to amended independent Claim 22, amended independent Claims 26 and 30 (and dependent Claims 27 to 29, 37 and 38) are each patentably distinguished over Sciammarella I and Hayashi and in condition for allowance.

The Office Action rejected Claims 31 to 36 under 35 U.S.C. §103(a) as being unpatentable over Sciammarella I in view of Hayashi and in further view of U.S. Patent No. 6,281,940 to Sciammarella et al. ("Sciammarella II"). Applicant respectfully submits that the patentability of Claims 22, 26 and 30 renders these rejections moot.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L Gates LLP

BY 

Patricia Kane Schmidt

Reg. No. 46,446

Customer No. 29175

Phone: (312) 807-4363

Dated: June 29, 2010